



BOARD OF COUNTY COMMISSIONERS
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Shaun McGrath
Regional Administrator
U.S. Environmental Protection Agency
Region 8 1595 Wyncoop Street
Denver, CO 80202-8917

Dear Mr. McGrath:

Thank you for coming to Missoula in May to update us on the former Smurfit-Stone mill. We were very pleased to hear that the EPA was close to finalizing an agreement with the current and former operators of the mill site to begin the remedial investigation this year. We understand that EPA has continued to work with the parties to finalize an agreement and workplan for the investigation. But it has been nearly a year since EPA first asked the parties to proceed voluntarily with the investigation and cleanup. Negotiations have not been completed, and it appears that yet another year will pass without progress. We are very concerned that further delays in this process will endanger public health and the environment, and delay future beneficial use of the property. For these reasons, if negotiations are not successfully completed by mid-September, we request that EPA proceed with the investigation of the site using federal funds. We also request that EPA finalize listing the site on the National Priorities List.

The Smurfit-Stone mill closed in January, 2010. Missoula County requested that the State of Montana and the EPA investigate environmental contamination at the mill site in 2011. The mill sold to its current owners in 2011, who have since demolished the facility, are now delinquent on property taxes in excess of \$750,000 and have failed to initiate site cleanup. These same owners have failed to pay their taxes and cleanup at other former Smurfit-Stone sites in the U.S. and Canada. EPA conducted its preliminary investigations of the site in 2012, and proposed placing the site on the National Priorities List in 2013. Missoula County supported this action. EPA sent special notice letters to parties who were current or past owners and operators of the mill in 2014, requesting a good faith offer to conduct investigations and cleanup. Negotiations began in October, 2014. EPA announced in May that negotiations were nearly complete, and that the investigation would begin this year without further delay. Unfortunately, the negotiations have not been concluded at this time, and the investigation has not begun.

Missoula County's Goals for the former Smurfit-Stone mill site continue to be:

- ▶ Eliminate all public safety and health risks;
- ▶ Restore the river and the floodplain;
- ▶ Hold the polluter responsible for the financial and environmental liabilities at the site so the burden is not shifted to the tax payers and residents of the area;
- ▶ Incentivize concurrent development of the site and continue economic development efforts; and
- ▶ Provide public involvement throughout the process of investigation and cleanup.

The presence of toxic and hazardous materials in the floodplain and shallow groundwater areas near the Clark Fork River pose a substantial threat to public health and safety and environmental quality. These materials include industrial wastes, sludge, fly ash, boiler dregs, asbestos, and drums buried in shallow groundwater in a large area near the river. These wastes are protected from floods by uncertified and unmaintained gravel dikes that constrict the floodplain of the Clark Fork River. The dikes were first constructed in 1958, and occupy former active channels of the river. Groundwater is highly polluted, and contaminants have been found in fish in the Clark Fork River. These problems require immediate attention and remediation before a large flood washes these waste materials downstream into the river affecting downstream communities and causing further damage to natural resources of the Clark Fork River.

We seek a thorough investigation of the site's contamination, permanent and effective cleanup of the site, and restoration of the damaged natural resources of the Clark Fork River. It has been five and a half years since the mill closed. The process of investigation, cleanup and restoration should begin as soon as possible. Further delays will endanger public health and the environment and cause further damage to many communities in western Montana and northern Idaho. If EPA cannot obtain agreement with the responsible parties by mid-September, we request that the EPA move forward with cleanup efforts utilizing federal dollars. We request that EPA proceed with final listing of the site on the National Priorities List. Missoula County also requests that it and the public be provided ample opportunity to comment on the remedial investigation work plan before it is finalized, whether part of the Administrative Order of Consent or an EPA work plan.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY, MONTANA


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Nicole Rowley, Commissioner


Jean Curtiss, Commissioner

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cc: Senator Jon Tester
Senator Steve Daines
Congressman Ryan Zinke
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Vernon Finley, Chairman, Confederated Salish and Kootenai Tribes
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